

Message Text

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ACTION OPIC-12

INFO OCT-01 AF-10 ISO-00 EB-11 COME-00 AID-20 L-03 INR-11

PRS-01 /069 W

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P 131105Z SEP 74

FM AMEMBASSY LAGOS

TO SECSTATE WASHDC PRIORITY 5999

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E.O.: 11652: N/A

TAGS: EFIN, EINV, NI

SUBJ: OPIC AGREEMENT

REF: STATE 191709

LAGOS 8261

1. WE REGRET TO REPORT THAT WE ARE UNABLE TO OFFER RELIABLE ESTIMATE OF PROBABLE DATE FOR EXCHANGE OF DIPLOMATIC NOTES THAT GIVE EFFECT TO AGREEMENT ALTHOUGH MEA CONTINUES TO ASSURE US THAT EXCHANGE WILL TAKE PLACE IN NEAR FUTURE.

2. AS REPORTED EARLIER, MEA, WHICH HAS RESPONSIBILITY FOR CARRYING OUT EXCHANGE, WANTS FORMAL STATEMENT FROM MINISTRY OF JUSTICE SAYING THAT AGREEMENT HAS IN FACT BEEN RATIFIED IN ACCORDANCE FMG'S CONSTITUTIONAL PROCEDURES AND AUTHORIZING EXCHANGE OF NOTES. WE ARE NOW TOLD THAT JUSTICE, AFTER CONSIDERATION, HAS CONCLUDED THAT IT CANNOT ISSUE STATEMENT OF THIS KIND ON ITS OWN INITIATIVE BUT MUST HAVE APPROPRIATE DIRECTIVE FROM FEDERAL EXECUTIVE COUNCIL, AND THAT MINISTRY OF INDUSTRIES, AS MINISTRY RESPONSIBLE FOR NEGOTIATING AND SIGNING AGREEMENT, SHOULD INITIATE REQUEST TO FEC FOR DIRECTIVE. MINISTRY OF INDUSTRIES HAS SO FAR TAKEN VIEW THAT REFERRAL TO FEC NOT NECESSARY AND BEEN RELUCTANT TO INITIATE REQUEST, BUT WE ARE TOLD THAT IT HAS NOW AGREED TO GO ALONG. HOWEVER, OUR LATEST INFORMATION IS THAT MIN INDUSTRIES, IN ABSENCE RESPONSIBLE OFFICIALS,

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HAS NOT YET ACTED TO MOVE REQUEST FORWARD.

3. IN SEPTEMBER 13 CONVERSATION WITH ACTING DIRECTOR ECONOMIC DEPARTMENT OF MEA, HE CONFIRMED ABOVE OUTLINE OF SITUATION, AND SAID THAT IF JUSTICE PERSISTS IN ENGAGING FEC, AS NOW SEEMS CERTAIN, THERE COULD BE FURTHER DELAY OF MONTH OR MORE BEFORE MEA IN POSITION TO EXCHANGE NOTES. HE ADDED THAT FEC APPROVAL FOREGONE CONCLUSION AND THAT MEA WOULD HAVE NO OBJECTION IF USG WISHED TO GIVE APPROPRIATE PUBLICITY TO SIGNING OF AGREEMENT, BUT THAT IN FACE JUSTICE POSITION THERE IS NO WAY FOR MEA TO SHORT CIRCUIT PROCEDURES FOR EXCHANGE OF NOTES.

4. WE HAVE NO REASON TO DOUBT MEA ASSURANCES THAT FEC APPROVAL AND EXCHANGE OF NOTES ONLY MATTER OF TIME. HOWEVER, IN SPITE OF MEA ASSERTION THAT IT WOULD HAVE NO OBJECTION TO PUBLICITY, WE REGRETFULLY SUGGEST THAT PRUDENT COURSE WOULD BE FOR OPIC TO LIMIT PUBLIC ANNOUNCEMENTS TO STATEMENT THAT AGREEMENT HAS BEEN SIGNED (THIS HAS ALREADY BEEN PUBLICIZED IN NIGERIAN PRESS) AND WILL TAKE EFFECT AS SOON AS RATIFIED; AND TO CANCEL FEATURE ARTICLE PLANNED FOR 1974 OPIC ANNUAL REPORT.

5. COMMENT: PRESENT IMPASSE OBVIOUSLY NON-SUBSTANTIVE AND REPRESENTS FAMILIAR BUREAUCRATIC LOGJAM WHICH OUTSIDERS POWERLESS TO BREAK. WILL CONTINUE PRESSURE AND KEEP OPIC INFORMED.
REINHARDT

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